

**PHARMACY EXAMINING BOARD  
DECEMBER 8, 2004  
MEETING MINUTES**

**PRESENT:** Michael Bettiga, R.Ph.; Charlotte Rasmussen; Susan Sutter, R.Ph.; John Bohlman, R.Ph.; Fred Moskol, R.Ph.; Cindy Benning, R.Ph.; and Georgina Forbes

**STAFF:** Tom Ryan, Bureau Director; Bill Black, DRL Board Counsel; and Kevin Murphy, Bureau Assistant

**GUESTS:** Rich Verschay, R.Ph.; Richard Hayney, PSW; Jim Tenuta, Medco; Jamie Statz Paynter, Dean Pharmacy; Darrin Wirkes, Target Pharmacy; Jack Monroe, Target Pharmacy; Paul Baum, GHC; Gina Besteman, Women's International Pharmacy; Dave Kepler, UW School of Pharmacy (SOP); Brian C. Erskine, UW SOP; Erica Fritz, UW SOP; Anh Vo, UW SOP; Christie Kolikol, UW SOP; Megan Pawlisz, UW SOP; and Greg Primuth, Walgreens

**CALL TO ORDER**

Chair Michael Bettiga called the meeting to order at 9:15 a.m.

**APPROVAL OF AGENDA**

**Additions:**

"Construction Update" was added to Item C.

"Licensing Liaison Report" was added to Item N.

"PSW Forum Report" was also added to Item N.

Supplemental Monitoring materials were added to Items S, T, W, X, Z, and BB.

**Deletion:**

Delete "Code Book Policy" from Item C.

**MOTION:** Ms. Benning moved, seconded by Ms. Forbes, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 13, 2004**

**Amendments:**

On Page 12 of the agenda, Michael Bettiga abstained from the Oestreich motion.

On Page 8, amend the Peshtigo Pharmacy motion to specifically state "closed portion of the pharmacy."

**MOTION:** Ms. Sutter moved, seconded by Ms. Benning to approve the minutes as amended. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

### **2005 Meeting Dates – Review for Approval**

**MOTION:** Ms. Benning moved, seconded by Ms. Sutter, to approve the 2005 meeting dates. Motion carried unanimously.

### **Building Construction Report – Tom Ryan, Bureau Director**

The Bureau Director briefed the Board on the Department's building construction, noting that work has ceased due to problems with financing.

### **Travel update – Kevin Murphy, Bureau Assistant**

The Bureau Assistant confirmed with Mr. Bohlman and Ms. Benning that they were registered to attend their respective trips to Scottsdale, AZ and Las Vegas, NV. He offered assistance if any problems arise with registration, travel, or reimbursement.

## **REGULATORY DIGEST – TOPICS AND PUBLICATION SCHEDULE**

The Board agreed that a Regulatory Digest should be assembled and published as soon as possible.

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to authorize Sue Sutter to develop the Regulatory Digest to be circulated by email back to the Board for review, and that the Digest be published without further Board action if no Board member objects to the content of the Digest. If a Board member does object to a portion of the Digest, the Department may proceed with publication, but the contested text must be omitted for further review. Motion carried unanimously.

### **REQUEST TO CONSIDER OUT-OF-STATE LICENSURE – DR. TIMOTHY LUTGEN, D.PH., M.S.**

Board Counsel noted that Dr. Lutgen should contact a legislator, not the Board, in his efforts to require licensure of out-of-state pharmacies. After a brief discussion, the Board decided that it, too, should take steps to pursue out-of-state licensure further.

**MOTION:** Ms. Benning moved, seconded by Mr. Bohlman, for the Board to contact state legislators in an attempt to advance legislation requiring licensure of out-of-state pharmacies. Motion carried unanimously.

## **NABP MODEL RULES FOR WHOLESALE DISTRIBUTORS – BOARD REVIEW AND DISCUSSION**

The Board discussed the document, agreeing that placing checks on wholesalers is imperative given the growing problem of drug diversion. The Board asked Board Counsel to do an analysis of the Model Rules and specify what regulatory actions would be within the Board's jurisdiction.

The Board also asked the Bureau Director to contact NAWD to get their response, if any, to the NABP Model Rules. A review of Board Counsel's analysis and NAWD's response will take place in February during another discussion of the Model Rules.

**VARIANCE REQUEST – WOOD RIVER PHARMACY AND SMARTFILL  
PHARMACY – CHRIS WITZANY, R.PH. – GRANTSBURG, WI**

The Board discussed Wood River Pharmacy's proposed procedures. After further review of the variance request and Board Counsel's confirmation that Smartfill has been reviewed and approved by the Minnesota Board of Pharmacy, the Board offered the following motion:

**MOTION:** Ms. Sutter moved, seconded by Mr. Bohlman, to grant a one-year variance under Wis. Admin. Code § PHAR 7.01 (4) to Wood River Pharmacy and Smartfill Pharmacy. The Board will require a report to be filed by Wood River Pharmacy/Smartfill Pharmacy with the Board before the variance can be renewed. Motion carried unanimously.

**VARIANCE REQUEST – ROUNDY'S INC., PICK-N-SAVE PHARMACY #6371 –  
DOUGLASS BERRY – MILWAUKEE, WI**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to deny the variance request of Roundy's Inc. Motion carried unanimously.

**PRACTICE QUESTION – CHARLES BROWNLOW – WISCONSIN OPTOMETRIC  
ASSOCIATION – MADISON, WI**

The Board agreed that the response to this question could be tied into the upcoming Regulatory Digest, but noted that if the problem lies with the insurer, questions should be addressed there and not to the Board. The Department will reply to Mr. Brownlow.

**PRACTICE QUESTION – WAL-MART PHARMACY – BENTONVILLE, AR**

The Board took no action on this matter.

**ANABOLIC STEROIDS – U.S.S. 2195 LISTING – BOARD REVIEW AND DISCUSSION**

The Board reviewed this item, but took no action.

**PSEUDOEPHEDRINE DIVERSION TREND REVIEW AND POSSIBLE REVIEW BY  
CSB**

Ms. Benning noted that there has been no effort to schedule pseudoephedrine in Wisconsin, but that other states have taken such a measure. Discussion then turned to the diversion strategies employed by those acquiring sizable quantities of pseudoephedrine to produce methamphetamine, and what, if anything, can be done to deter them. Though direct action is outside the jurisdiction of the Pharmacy Examining Board, the Board reviewed different control strategies.

## **CORRESPONDENCE FROM NABP RE: DIETARY SUPPLEMENTS AND NAPLEX – DISCUSSION**

The Board took no action on this matter.

## **REMOTE DISPENSING – DISCUSSION**

The Board discussed the emergence of alternative dispensing mechanisms and how the use of these mechanisms would square with current Wisconsin pharmacy regulations. The Board suggested inviting a number of remote dispensing vendors to make presentations to the Board, in order to gain a better understanding of business models that may be available. The Bureau Director agreed to explore the possibility of blocking off the afternoon of the February meeting, or perhaps setting up another meeting, so that vendors can come and make presentations.

## **IPP/PEB LIAISON ISSUES – DEANNA ZYCHOWSKI AND STEVE GLOE**

Mr. Bohlman relayed to the Board a situation where an employee was caught by his/her employer diverting drugs from his/her place of employment. The employer demanded that the employee submit to the IPP, or else the employee would be terminated. Mr. Bohlman noted that under current Department policy, this offender would be admitted to IPP, even though his submission to the program was not a genuine act of self-reporting. Mr. Bohlman was troubled that this individual was admitted to IPP, and not referred to DOE for investigation. The Board members reassured Mr. Bohlman that, as IPP liaison, he has the power to review the facts of each case, and if the offender's self reporting does not appear to be sincere, but rather coerced by an employer, Mr. Bohlman may refer that case to DOE for discipline.

The Board also discussed how familiar its licensees are with the IPP, noting that an article in the upcoming Digest may be appropriate to educate licensees of both its existence and mission.

## **INFORMATIONAL ITEMS**

### **Licensing Liaison Report – Susan Sutter**

Ms. Sutter reported that in the last two months, 24 pharmacists, 16 pharmacies, and 8 distributors have been licensed.

### **PSW Forum Report – Susan Sutter**

Ms. Sutter described the presentations made at the Pharmacy Society of Wisconsin Forum, including the Board's presentation which included information on pending rules, variances, liaison responsibilities, and telepharmacy. Other issues discussed at the Forum included the state budget and the upcoming 125<sup>th</sup> Anniversary of Organized Pharmacy.

## **CLOSED SESSION**

**MOTION:** Mr. Moskol moved, seconded by Ms. Rasmussen, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative

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warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data ( Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g). Motion carried unanimously in a roll call vote.

The Board convened into closed session at 12:04 p.m.

**RECONVENE TO OPEN SESSION TO VOTE ON ITEMS DELIBERATED ON IN  
CLOSED SESSION**

**MOTION:** Ms. Benning moved, seconded by Ms. Forbes, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:20 p.m.

**DELIBERATION OF ADMINISTRATIVE WARNING – CASE 04 PHM 037**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Forbes, to issue an administrative warning in the matter of 04 PHM 037. Motion carried unanimously.

**CONSIDERATION OF CASE CLOSINGS – CASES 04 PHM 062 AND 01 PHM 069**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Rasmussen, to close case 04 PHM 062 for no violation. Motion carried unanimously.

**MOTION:** Mr. Bohlman moved, seconded by Ms. Rasmussen, to close case 01 PHM 069 for P1. Motion carried unanimously.

**DOE MONITORING:**

**GORDON GWOSDOW, R.PH. – UPDATED STATUS**

No action taken.

**MICHAEL HILLER, R.PH. – REQUEST FOR THREE MONTH STAY**

**MOTION:** Ms. Benning moved, seconded by Mr. Bohlman, to grant a three month stay in the matter of Michael Hiller, R.Ph. Motion carried unanimously.

**GERALD JENNINGS, R.PH. – REQUEST FOR THREE MONTH STAY**

**MOTION:** Ms. Sutter moved, seconded by Ms. Forbes, to grant a three month stay in the matter of Gerald Jennings, R.Ph. Motion carried unanimously.

**WILLIAM KARWOSKI, R.PH. – REQUEST FOR THREE MONTH STAY WITH  
MODIFICATIONS**

**MOTION:** Ms. Sutter moved, seconded by Ms. Rasmussen, to grant a three month stay in the matter of William Karwoski. In addition, urine screens should

be reduced to twice per month, and Pharmacist in Charge hours should be increased to sixteen per week. Motion carried unanimously.

**DONALD LEETZ, R.PH. – REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS**

**MOTION:** Mr. Bohlman moved, seconded by Ms. Benning, to grant a three month stay but deny modifications in the matter of Donald Leetz, R.Ph. Motion carried unanimously.

**LUIGI MICELI, R.PH. – REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS**

**MOTION:** Ms. Sutter moved, seconded by Ms. Forbes, to grant a three month stay in the matter of Luigi Miceli, R.Ph. In addition, therapy will be reduced to twice per month, and Pharmacist in Charge hours will be increased to sixteen per week. Motion carried unanimously.

**PAUL NELSON, R.PH. – REQUEST FOR THREE MONTH STAY**

**MOTION:** Ms. Benning moved, seconded by Ms. Rasmussen, to grant a three month stay in the matter of Paul Nelson, R.Ph. Motion carried unanimously.

**MICHAEL O'KRAY, R.PH. – REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS**

**MOTION:** Ms. Benning moved, seconded by Mr. Moskol, to grant a three month stay but deny modifications in the matter of Michael O'Kray. Motion carried unanimously.

**TYRONE PERRON, R.PH. – REQUEST FOR FULL LICENSURE**

**MOTION:** Ms. Benning moved, seconded by Ms. Rasmussen, to grant full licensure to Tyrone Perron, R.Ph. Motion carried unanimously.

**ANDREW RICE, R.PH. – REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS**

**MOTION:** Ms. Sutter moved, seconded by Mr. Moskol, to grant a three month stay with an increase in Pharmacist in Charge hours to twenty-four per week in the matter of Andrew Rice, R.Ph. Mr. Bettiga abstained from deliberation and voting. Motion carried.

**GREGORY TECHE, R.PH. – REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS**

**MOTION:** Mr. Moskol moved, seconded by Ms. Forbes, to grant a three month stay with a reduction in therapy to once every other week in the matter of Gregory Teche, R.Ph. Motion carried unanimously.

**CHARLENE WILLIS, R.PH. – REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS**

**MOTION:** Ms. Rasmussen moved, seconded by Ms. Sutter, to grant a three month stay in the matter of Charlene Willis. In addition, the Board will allow a reduction to four urine screens per month, a reduction in therapy to once every other month, and an increase of eight additional hours per week as Pharmacist in Charge. Motion carried unanimously.

**EXAMINATION SCORES**

**MOTION:** Ms. Benning moved, seconded by Mr. Bohlman, to validate the exam scores of December 7, 2004. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Mr. Moskol moved, seconded by Ms. Forbes, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:30 p.m.

**Next Meeting: February 9, 2005**